

Please amend the specification as follows:

At page 10, line 12, delete "49" and insert in place thereof 41.

At page 10, line 23, delete "doors" and insert in place thereof door.

At page 11, line 1, delete "52" and insert in place thereof 49.

Please amend the claims as follows:

Delete claim 2. ✓

In claim 6, line 10, between "one" and "mounting" insert of the.

In claim 8, line 2, delete "plan" and insert in place thereof plane.

In claim 17, line 2, delete "form" and insert in place thereof from.

REMARKS

The above amendments are made to meet the objections and rejections of the Examiner. The applicant has amended the abstract and specification to address the points raised by the Examiner.

Claims 2 and 6-17 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 is deleted. Deletion of Claim 2 should satisfy the requirement of a proposed drawing correction, by rendering such requirement unnecessary at this time. Applicant anticipates filing formal drawings upon receipt of a notice of allowance. Claim 6 is amended to render "mounting apparatuses" more definite.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mech in view of Kasper and Hintz. The Examiner's rejection assumes that a person skilled in the art would find it obvious to combine selective teachings from the above

three patents to arrive at applicant's invention. First, such a conclusion assumes that the need addressed by applicant was appreciated and, secondly, that one would pick these patents from the hundreds of patents in the art area, if the need were appreciated. No evidence is offered by the Examiner that persons were working on improving display cases for gun shops for the purpose of reducing the labor needed at opening to arrange guns for display and at closing to secure the guns for security. The need to combine these particular teachings to arrive at applicant's safe configuration is not obvious. Applicant offers his enclosed declaration as to his commercial success. Applicant is now selling weapon safes in accordance with his invention and the safe has been favorably received in the market place. Although the safes are expensive, the advantages are enough for the safes to be purchased by gun stores and by individuals.

Combining the teachings is unobvious. Mech is a 1996 patent concerning a jewelry display case whose object is improved storage and display of the many types of jewelry and in particular, styles of earrings (Mech col. 1. Lines 48-57). Kasper is a 2001 patent concerning a lockable cabinet for dispensing lottery tickets and phone cards from within. Kasper is primarily directed to an improved locking mechanism and hinge. Hintz is an 1870 patent concerning improved fire proofing of a safe. Without applicant's teachings, there is little to suggest combining the above patents and selecting the particular teachings. The diverse objectives of the patents also teach away from combining the teachings.

Mech teaches display hooks for earrings and necklaces. Such hooks could not be easily adapted for firearms. Weapons typically need more than one point of attachment and points of attachment need to be located with the size and configuration of the weapon

in mind. Mech does not suggest displaying weapons on Mech's left door 14 and does not suggest the depth needed to have weapons mounted on the back wall and on the door at the same time when the door is closed. Mech does not suggest having his door 14 open during business hours or having the door 14 open back on itself with an "L" shape to have the interior of the door become an extension of the planar back wall 34. Mech teaches a mirror on the interior of the left door 14 which is incompatible with hanging weapons and there would be no advantage in Mech in having the door 14 swing open as an extension of the back wall because the mirror would be moved further from the customer (Mech col. 4, lines 13-19).

Kasper does not cure the deficiencies of Mech. Kasper does teach "L" shaped doors but for a different purpose and in a configuration preventing accomplishing applicant's purpose. Kasper's purpose for using an "L" shape is to better protect pivot bar 79-3 from outside tampering. Kasper teaches locating the pivot bar in from the side edge 75-3 which prevents rotating door 75 back on itself to have the interior of the door 75 become an extension of the planar back wall 73. Kasper's cabinet is not for displaying objects within but for enclosing lottery tickets and phone cards for dispensing and for better prevention of tampering. One would not look to Kasper to modify a jewelry cabinet.

Hintz does teach locks and linkages on double doors of a safe.. What Hintz does not teach is to modify the thickness of the walls of Mech to accommodate the heavier locks and linkages of Hintz.

Thus the combination of Mech in view of Kasper and Hintz is not obvious and does not produce the safe configuration of applicant. This unobviousness has also been confirmed in the market place.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mech in view of Kasper and Hintz as applied to claim 1, further in view of Schmitz. Schmitz is a 1925 patent which does teach use of fire resistant materials and seals when a safe is double walled. What Schmitz does not teach is the combining of Schmitz's teaching with Mech's single thin walled case, which is used as a light duty jewelry display case. Schmitz also does not alleviate the deficiencies of suggesting combining Mech in view of Kasper and Hintz to support a 103(a) rejection of claim 1.

Claims 6, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mech in view of Rice et al. Rice is a 1999 patent, which teaches that gun rack holders should be adjustable to accommodate rifles of different shapes or sizes. What Rice et al. does not teach is the combining of Rice et al.'s teaching with Mech's single thin walled case which is used as a light duty jewelry display case. The Mech already speaks of accommodating jewelry of different shapes or sizes. Rice et al. also does not alleviate the deficiencies of suggesting combining Mech in view of Kasper and Hintz to support a 103(a) rejection of claim 1.

Claims 7, 8, 10-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Mech reference as applied to claims 6 and 14 above, and further in view of Kasper. Applicant reiterates that the above combination of teachings is unobvious and, in particular, that the "L" shape door of Kasper is for another purpose,

that of protecting the hinge, and does not allow the door to become a planar extension of the back wall for display purposes.

Claims 16 and 17 are rejected under 35 U.S.C. 104(a) as being unpatentable over the Mech reference as applied to claim 15 above, and further in view of Dick et al. Dick et al. is a 1918 patent predating all but the Hintz patent. It is unobvious to combine Mech with Dick et al. and the others. The need for a better weapons display case to save labor is not appreciated by the teachings of these patents. The time span of the patents is also indicative of the number of patents in the art area and suggests the use of impermissible hindsight to pick and choose teachings to arrive at applicant's invention.

Applicant respectfully requests that the application and Claims as amended be passed to allowance.

Respectfully submitted,



William S. Bernheim
Attorney for Applicant
Registration No. 27,180

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendments (Pat), Assistant Commissioner of Patents, Washington, D.C. 20231 on the date below.



William S. Bernheim

Dec 13, 2002

Date